

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

1. Gina Gotcher,
Plaintiff,
v.

Case Number: 22-cv-321-CVE-MTS

1. Pc Woodland Manor, LLC,
An Oklahoma Limited Liability
Company,
2. RPM Living, LLC, an Oklahoma
registered foreign Limited Liability
Company,
3. Bridge Property Management, LC.,
An Oklahoma foreign limited
liability company,
4. Vesta Realty, LLC., an Oklahoma
foreign limited liability company,
5. Woodland Manor's Best Living,
LLC., an Oklahoma foreign limited
liability company,
6. Woodland Manor TIC 1, LLC, an
Oklahoma foreign limited liability
company,
7. Skylar Rae Mosby-Gudmundsson,
in her capacity as agent for the
corporate entities and in her
individual capacity,
8. Violet Weaver, in her capacity as
agent for the corporate entities and
in her individual capacity,

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| 9. Dawn Bates, individually, | |
| 10. Barbara Ketching, as Tenant, in her individual capacity, | |
| 11. Varia US Tulsa, LLC., an Oklahoma Foreign Limited Liability Company, | |
| 12. Stoneweg Investments, LLC, a Delaware Limited Liability Company, | |
| 13. Varia US Holdings, LLC, a Delaware Limited Liability Company, | |
| 14. Stoneweg US Employees, LLC, a Delaware Limited Liability Company, | |
| Defendants. | |

**PLAINTIFF’S RESPONSE TO THE COURT’S ORDER TO SHOW CAUSE
(DOC. 31)**

COMES NOW, Plaintiff, by counsel, and responds to this Court’s Order to Show Cause entered on January 10, 2024.

1. The Plaintiff incorporates and repleads herein the facts asserted in her Third Motion to Amend the Complaint filed on January 24, 2024. Doc. 32.

2. Plaintiff initiated this action on July 20, 2022.

3. During the pendency of the action, Plaintiff has once amended her Complaint due to a change in ownership of the premises and the continuation and escalation of the conduct complained of herein.

4. From December 2022 through August 2023, the Plaintiff has actively

defended against litigation, in state court, by her new landlord, who she now seeks to add as a Party to the case, as provided in the Second Amended Complaint. The conduct included acts by neighbors in the community and the property management staff. The conduct complained of continued through August 2023 – beyond the appointed deadline to file the Second Amended Complaint.

5. While the conduct persisted, as provided in Plaintiff's Third Motion to Amend the Complaint, the Plaintiff faced several health crises, at least one due to changes in medication, one due in part to the stress of the Defendants' conduct, and one due to the digression of her visual impairment. She was dealing with worsening blindness and the stress of the possibility of multiple surgeries in efforts to slow the progression of several of her disabilities. These conditions were compounded by the stress of her living environment.

6. In February 2023, Plaintiff filed her Second Motion to Amend the First Amended Complaint. She attached a copy of the intended Amended Complaint to her Motion.

7. On May 15, 2023, this Court authorized the Plaintiff to file her second amended complaint. However, the Court strongly admonished the Plaintiff to ensure that each Party that she added to the case as a Defendant was added on a good faith basis, due to the large number of Defendants which the Plaintiff sought to add to the case.

8. Plaintiff's counsel interpreted the instruction of the Court as an admonishment to take another look at the proposed Second Amended Complaint and to revisit it in the interests of maintaining a judicially efficient and economic case.

9. The week leading up to May 22, 2023, and continuing thereafter, Plaintiff endured cognitive impairments due to changes in her medication which negatively impacted her ability to sleep, to understand, to focus, and to think. That condition was exacerbated by the stress she experienced because of the eviction case and the judgment granted thereunder.

10. Plaintiff's conditions seemed to improve or at least stabilize in December 2023. The Complaint was then amended and filed with the Court on January 24, 2024.

11. As stated in the Third Motion to Amend, Counsel also became ill with Covid in September 2023 and was away from the office for most of that month and part of October 2023. It took two months to recover from the illness. Although Counsel resumed working in October 2023, it was not without the grace of several courts and counsel agreeing to extend and reset deadlines and hearings.

12. In conclusion, the circumstances that caused the delay were unforeseeable and not within the control of the Plaintiff. The Plaintiff requests that the Court deem the reasons herein proffered as sufficient justification and to allow the case to proceed under the Second Amended Complaint.

Dated: January 24, 2024

Respectfully submitted,

*Attorney for the Plaintiff,
Ms. Gina Gotcher*

s/ Teresa L. Webster
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CERTIFICATE OF SERVICE THROUGH CM-ECF

Counsel for the Plaintiff hereby certifies that on the 24th day of January 2024, she served a true and correct copy of the foregoing response on the Defendants via service upon their counsel of record, through this Court's Case Management Electronic Case Files system.

Date: January 24, 2024

s/Teresa L. Webster
Teresa L. Webster